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JUL 21 2008

Ravalli County Commissioners

TO: RAVALLI COUNTY COMMISSIONERS

FROM: George H. Corn

DATE: July 21, 2008

RE: Civil Position(s)/ Attorney Salaries

Over the past several years I've given much thought to the County's legal needs outside the field of criminal prosecution. These needs for advice and representation in civil matters have traditionally been under funded by Commissioners. Historically commissioners have recognized the often immediate and pressing need for legal advice for themselves, but have failed to recognize, or even acknowledge that same need for other departments whether under their control, or that of another elected official. Placing Karen Mahar in the dedicated civil position since March has allowed me to quantify the unmet, legal needs of these departments, many of them under your control. As you know from the list we have compiled these needs are considerable. These unmet legal needs are due to a variety of causes. These include the cumulative impact of fifteen (15) years of rapid population growth, a growing number of disputes and issues over land use, growth in the number of county employees and additional responsibilities imposed by the Legislature. As a result, lawsuits continue to proliferate and the myriad of daily transactional matters associated with the operation of the county have grown dramatically. Coupled with the historical failure to fund legal needs, this means that there are simply not enough attorneys in my office to handle the workload given my other responsibility as the public prosecutor. The result is and has been a glut of projects and a backlog far in excess of the resources available. As you have been told, if incoming projects stopped right now, an attorney could work full-time for a year and not finish all the pending projects. There is enough work for at least two (2) full-time civil deputies in addition to the work needed for civil litigation.

With this in mind, it is in the County's best interest to continue with Karen Mahar serving as the chief civil attorney. In order to make that work several things must happen. First, the office space must be moved to a more functional location. Currently there is no screening or reception area resulting in people constantly intruding for "one quick question". These constant interruptions are grossly unproductive and either a different office in the administration building or at the Courthouse must be located. Second, an increase in pay is necessary to fairly compensate Karen for the enormous work

load of this position with its attendant authority, responsibility and stress. Although it should be closer to 90%, a reasonable salary would be 80% of the County Attorney's salary which equals \$75,600 which, while less than other counties pay for such a position, is within the range of state salary for an attorney of Karen's experience. Third, it is necessary to hire the additional attorney for my office who would work at least part-time under Karen. Necessarily, I will also be involved in civil projects and civil litigation.

I realize that three of you have only been here for a year. Nevertheless, I say to all of you that the attorneys in this office have been underpaid and overworked for years. As one deputy expressed it, the workload and the stress keeps increasing with no end in sight and no commensurate pay for the increased workload. And in the civil field, the attorney who advises your department heads now makes less than several department heads. Also, in the civil realm, you routinely pay other county employees overtime while the attorneys working with them are not similarly compensated. In the criminal realm, several sheriffs' deputies make more than the prosecutors who try their cases. This is not to begrudge any of these folks their hard-earned and well-deserved pay, but rather to illustrate the gross neglect shown to these attorneys whose dedication and hard work is essential to protecting the public and the County.

With regard to the civil position, I remind you that two (2) civil deputies have left this office in the last 18 months. Both took jobs with a significant pay increase. One took a job with a land-use litigation firm, and within a relatively short period of time will be able to use the skills and experience gained while working for the County against the County. This points out the fact that you will not be able to keep qualified attorneys working for the County unless you pay sufficiently more than you are currently paying them. That is why the \$75,600 salary is absolutely necessary to **keep** and compensate Karen Mahar for her knowledge, skill, administrative abilities and experience.

Prosecutors

All of what I said in regard to workload and responsibilities in the memo with respect to civil positions applies also to Geoff Mahar, Bill Fulbright and John Bell. These prosecutors routinely handle a case load that should require twice as many attorneys. They can do this because of their skill and experience. The average years of practice in this office is seventeen (17) and this experience is reflected in the job they do. The prosecution of the Stout case is a prime illustration of their skills. Every decision they make is fraught with responsibility for the public safety, yet several make less and none make more than mid-level school administrators in this county. The salary that you pay these folks does not reflect the considerable overtime necessary to do their jobs. The continued refusal to raise their salary to reflect this is shameful. It is quite ironic that the crime lab personnel and deputies who worked on the Stout case were (rightfully) paid overtime but the prosecutors trying the case, and who spent more hours than anyone in preparing and trying it, were not similarly

compensated. The salaries paid these folks are simply not fair pay for the responsibility and skill required of their jobs, nor is it comparable to what they would make working for surrounding counties or the state. My requests for them are well in line with that of such entities. Fairness and public safety requires you pay them accordingly. My request for Geoff is \$75,600, Bill \$66,150 and John \$66,150. Again, I emphasize that since you cannot pay them overtime, which they routinely work, it is grossly unfair not to reflect compensation for this in their salary. Adding an additional attorney, while absolutely necessary, in no way changes the need to fairly compensate Geoff, Bill and John.

I will necessarily work with whatever budget you give me, but be advised that under your current budget and current staffing levels, my office can barely address public safety and your immediate questions. That we do so is due to the uncompensated time spent by these attorneys. County Commissioners, through the power of the purse determine the level of services available to county offices and the public. In each of the last three (3) years I have requested \$40,000 to purchase additional legal services to address the above problem. For each of the last three (3) years this request has been denied despite the burgeoning demand for civil legal services and the continuing demands of criminal prosecution. My attorneys have worn themselves to a frazzle protecting the public and the county's interest. A continued failure to appropriately pay the attorneys that work for Ravalli County a wage commensurate with their experience, education and dedication will in the near future jeopardize the safety of county citizens and the legal interests of the County, **as these attorneys will be forced to take their skills and knowledge elsewhere.** You must consider this when you finalize your budget.

GHC:hs